

Argument:

The rule that governs restriction in this case is PCT Rule 13.1:

13.1 : The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention.")

PCT Rule 13.2 describes the circumstances in which the requirement of Unity of Invention is to be considered fulfilled:

13.2: Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Therefore, the issue is whether there is a **special technical feature** that links the inventions of Groups I-IX.

The special technical feature is the claimed peptide fragments. These are recited in claims 1 to 6. Claims 8-10 recite nucleic acid sequences which code for the special technical feature: the peptide fragments recited in claims 1 to 6.

Also, PCT, Article 2(x), Article 27 in combination with Rule 13 and Rule 68 state that a restriction requirement can only be made in the national phase if new prior art comes in to being during the national phase which destroys the unity of invention. Therefore, applicants believe the restriction requirement in the present case is improper.

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Respectfully submitted,
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